REMARKS

In an Office Action dated September 1, 2005, pending claims 1-11 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,363,364 ("Nel") in view of the knowledge of one of skill in the art. The rejections are discussed below in connection with the various claims. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Independent claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nel in view of the knowledge of one of skill in the art. Applicants submit that the combination of Nel and the knowledge of one of skill in the art fails to disclose all of the elements of Applicants claim.

Independent claim 1 relates to a method of accessing substantially real-time financial information of account holders in a computerized system, the substantially real-time financial information describing a first account of the first account holder being stored on a first record keeping system, a second account of the first account holder being stored on a second record keeping system, a third account of a second account holder being stored on a third record keeping system, and a fourth account of the second account holder being stored on a fourth record keeping system, the first record keeping system being different from the second record keeping system and the third record keeping system being different from the fourth record keeping system, the first account holder being different from the second account holder. The method includes (a) receiving an identifier of a financial intermediary by a first device from a user; (b) receiving identification of a selected account holder by the first device, the selected account holder identification being indicative of at least one the first account holder, the second account holder, or a combination thereof, the selected account holder identification being associated with the first account stored on the first record keeping system and the second account on the second record keeping system if the selected account holder identification is indicative of the first account holder, the selected account holder identification being associated with the third account stored on the third record keeping system and the fourth account on the fourth record keeping system if the selected account

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holder identification is indicative of the second account holder; (c) receiving a command by the first device from the user to obtain information associated with the selected account holder identification; (d) transmitting requests by the first device to each of the respective record keeping systems associated with each of the selected account holder identification substantially simultaneously, the first and second requests requesting information associated with the selected account holder identification; and (e) receiving responses by the first device from the respective record keeping systems associated with the selected account holder identification, the responses including substantially real-time financial information associated with the selected account holder identification.

Nel discloses a "system for and a method of performing interactive data exchange, for example as part of a financial transaction, between a user base and a remote network. The system includes a request data input device 20. A telephone network 22 is connected to the device for transmitting the request data to the network 28. At the user base there is also provided a receiver for receiving response signals from the network and which signals include encoded response data. A signal decoder 14 is provided at the user base to decode the response data. A display 12 displays the response data interactively with the request data." *See* Nel, Abstract.

Nel fails to disclose receiving identification of a selected account holder by the first device, the selected account holder identification being indicative of at least one the first account holder, the second account holder, or a combination thereof, as claimed in claim 1.

Indeed, Nel's end-user focused device teaches away from providing access to multiple users accounts as would be used by a financial intermediary. Instead, "the system includes security mechanisms to ensure that only an authorized user can gain access to information relating to certain accounts. Such measures normally include account numbers and a personal identity number (PIN) transmitted from the instruments 20, 24 to the network 28 via network 22. Similarly, security measures are utilized to ensure that the requested data is only displayed on an authorized monitor 12." Nel, Col. 10, lines 33-35. Thus, a user of the Nel system provides a single PIN to gain access to the multiple accounts of a single user. The system as claimed by Applicants, however, provides an account holder-based system that receives an identification of an account holder that may specify multiple account holders

and retrieves information about *multiple accounts of the multiple account holders* (if so specified). Moreover, this information may be retrieved from different record keeping systems substantially simultaneously.

The Examiner admits that "Nel does not specifically disclose third and fourth record keeping systems" but then states that "[t]o have provided third and fourth record keeping systems for Nel would have been obvious to one of ordinary skill in the art ... [as] [t]he motivation would have been providing common knowledge duplication of accounts." *See* the Office Action of September 1, 2005, page 3. However, the Examiner ignores the language of Applicants' claims which states that the third and fourth record keeping systems store third and fourth accounts of a *second account holder*, "the first account holder *being different* from the second account holder...." Not only does Nel not disclose third and fourth record keeping systems, as noted by the Examiner, but Nel also fails to disclose or suggest multiple account holders.

At best, Nel discloses "a telephone banking system that allows a single user to access and manipulate at least one account held by that single user at said financial institution and transfer funds between accounts held by said first financial institution 112 and a second institution 114." Nel, Col. 4, lines 62-66. Nel does not disclose that data is retrieved from the two financial systems in response to a request from the user, as claimed in Applicants' claims, much less that accounts of multiple account holders may be viewed substantially simultaneously. In contrast, the system of Nel is focused on the security aspects of information exchange that may include financial information. *See* Nel, generally. Nel is concerned with providing secure access to only a single user's accounts, not multiple users' accounts. Thus, Nel fails to disclose all the features as claimed.

Finally, as described above in reference to the Nel system, the functionality noted by the Examiner (i.e. make payment transfers) only involves a single transaction that is transmitted to a single financial institution. For example, a user may have been able to pay a credit card statement by submitting a request to the card issuer. Although this request may include instructions for contacting a second financial institution, i.e. a checking account number from which to transfer the necessary funds, this request is only submitted to the credit card issuer. It is the responsibility of the credit card issuer to contact the second

financial institution. In contrast, Applicants' system is capable of contacting first and second financial record keeping systems in response to a single request from a user.

For at least these reasons, claim 1 is not obvious in view of Nel in view of the knowledge of one of skill in the art. Accordingly, Applicants request that the Examiner withdraw this rejection of independent claim 1.
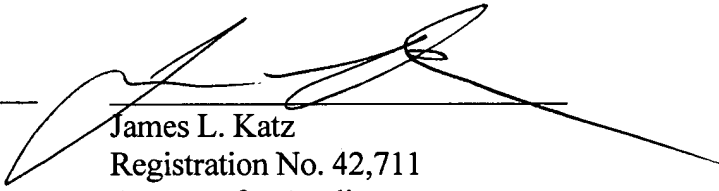
Dependent claims 2-11 and 21 were also rejected in the under 35 U.S.C. § 103(a) as being unpatentable over Nel in view of the knowledge of one of skill in the art. These claims depend, either directly or indirectly, from claim 1 and should be allowed for at least the reasons set forth above with respect to the independent claim. Applicants therefore request that the Examiner withdraw this rejection of these claims.

CONCLUSION

Each of the rejections in the Office Action dated September 1, 2005 has been addressed and no new matter has been added. Applicants respectfully submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, she is respectfully requested to contact the attorney on record, James L. Katz, at (312) 321-7739.

Respectfully submitted,

Dated: _____November 30, 2005_____

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